



DEPARTMENT OF THE NAVY
NAVAL POSTGRADUATE SCHOOL
1 UNIVERSITY CIR
MONTEREY, CA 93943-5000

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Ser 00C/078
January 25, 2023

Mr. Matthew Rocheleau
4610 Center Blvd. Apt. 2421
Long Island City
New York, 11109
matt.rocheleau@hearthmediact.com

Subj: YOUR FOIA REQUEST (DON-NAVY-2022-011096)

Dear Mr. Rocheleau:

This letter is in response to your request under the Freedom of Information Act (FOIA), assigned tracking number DON-Navy-2022-011096, submitted July 29, 2022, online and received by this office on September 19, 2022, for information pertaining to: “(1) any/all emails between employees of the Naval Postgraduate School (NPS) and employees of Creek Technologies, Inc. between May 24, 2022, and July 31, 2022; (2) any/all emails between employees of the Center for Homeland Defense and Security (CHDS) and employees of Creek Technologies, Inc. between May 24, 2022, and July 31, 2022; (3) any/all contracts/agreements that the United States Navy (USN), NPS, and/or CHDS have entered into with Creek Technologies, Inc.; and (4) any/all contracts/agreements that Creek Technologies, Inc. has entered into with subcontractors.”

The following contracts are provided with redactions pursuant to exemption (b)(6) of the Freedom of Information Act, 5 USC § 552, which protects information pursuant to the personal information affecting an individual’s privacy privilege. My review included consideration of the “foreseeable harm standard” (i.e., that information which might technically fall within an exemption should not be withheld from a FOIA requester unless the agency can identify a foreseeable harm or legal bar to disclosure). As a result, there are no redactions made under exemption (b)(5) for privileged inter-agency or intra-agency memoranda or exemption (b)(4) for trade secrets, commercial or financial information.

In accordance with my determination that you are a news media requester and that I granted your request for a fee waiver on September 27, 2022, all fees have been waived.

The emails you requested are still in the process of being redacted by the appropriate Naval Postgraduate School departments. I am the official responsible for the partial denial of your request. If you have any questions, please contact the NPS FOIA Coordinator at elaine.macdonald@nps.edu or (831) 656-3610.

You have the right to an appeal. It must be received (i.e., post-marked if by mail, sent if by email, submitted if by FOIAonline) within 90 calendar days from the date of this letter. Please provide to the appeal authority (see below) the following in an envelope marked “FOIA appeal”:

- a. a letter requesting an appeal that explains what you are appealing with any supporting arguments or reasons you think may be worthy of consideration;
- b. a copy of your initial request; and
- c. a copy of the letter of denial.

Also, please provide a copy of your appeal letter to elaine.macdonald@nps.edu.

There are two ways to file an appeal: through FOIAonline or by mail.

a. Through FOIAonline. This will work only if you set up an account on FOIAonline before you make the request that you would like to appeal. To set up an account, go to FOIAonline (this is a website that will appear as the top hit if you search the internet for "FOIAonline"), click "Create Account" (a link located within the blue banner at the top in the upper right corner), enter your data into the field that subsequently appears, and click "Save" (at the bottom left of the screen). With your account thereby created, you will have the power to file an appeal on FOIAonline to any request you file on FOIAonline thereafter. To do so, locate your request (enter a keyword or the request tracking number in the "Search for" field on the "Search" tab), click on it, then the "Create Appeal" tab in the left-hand column. Complete the subsequent field, click "Save," and FOIAonline will submit your appeal.

b. By mail. Address your appeal to:

The Judge Advocate General (Code 14) 1322 Patterson Avenue SE, Suite 3000, Washington Navy Yard, DC 20374-5066

If you have any questions, please contact the FOIA coordinator at elaine.macdonald@nps.edu or (831) 656-3610. You may also contact the DON FOIA Public Liaison, Christopher Julka, at christopher.a.julka@navy.mil, (703) 697-0031. In addition, the Office of Government Information Services (OGIS) provides a voluntary mediation process for resolving disputes between persons making FOIA requests and the Department of the Navy (DON). For more information, go to <https://www.archives.gov/ogis/about-ogis/contact-information>.

Sincerely,

S. W. THOMAS